IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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Civil Revision No.5561 of 2007
Date of Decision:30.10.2007

Balbir Kaur and others

.....Petitioners

Vs.

Jaswinder Singh and others

.....Respondents

CORAM:- HON'BLE MR. JUSTICE RAJESH BINDAL

Present:- Mr. Satinder Khanna, Advocate for the petitioners.

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Rajesh Bindal, J.

The challenge in the present petition is to the order passed by learned Court below whereby exparte judgment and decree dated 18.12.2000 passed by the learned Court below has been set aside on an application by defendant No.1 in the suit.

Considering the entire material placed on record by the parties, it was specifically found by the Court below that the service of defendant No.1 was not effected. In spite of the report that defendant No.1 was lodged in Central Jail, Jalandhar, instead of sending the summons through Superintendent, Central Jail, Jalandhar an order for publication of notice was issued. Once it is found that the service of defendant No.1 was not effected properly, no illegality can be found in the impugned order setting aside the ex parte decree dated 18.12.2000 passed by the Court below. Accordingly, I do not find any merit in the present petition and the same is dismissed.

October 30, 2007 **(RAJESH BINDAL)**
renu **JUDGE**